

REGULAR MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

~ APPEALS ~

Friday June 15, 2018
9:00 a.m.
Commission Chambers
1915 N. Stiles Ave.
Oklahoma City, Oklahoma
www.wcc.ok.gov

MINUTES

Members present: Chairman Mark Liotta, Commissioner Jordan Russell and Commissioner Megan Tilly.

Staff present to support the Commission: Lindsey Christopher, Dana Esparza and Monica Pack.

**STATEMENT OF OKLAHOMA OPEN MEETING LAW
COMPLIANCE**

Notice of this Regular Meeting was filed with the Secretary of State's office on Monday, November 13, 2017 at 9:05 a.m., in compliance with the Open Meeting Act.

The Agenda was posted more than 24 hours in advance of the meeting, in compliance with the Open Meeting Act. It was posted on the Commission website and at 1915 North Stiles, the Commission's principal office.

CALL TO ORDERPresiding Appellate Officer, Chairman Liotta

Call to order 9:00 a.m. by Chairman Liotta, Presiding Appellate Officer.

ROLL CALLPresiding Appellate Officer, Chairman Liotta

After the roll call was taken, Chairman Liotta announced the presence of a Quorum.

A. MINUTES:

- The drafted Minutes of the Special Appeal Meeting of May 18, 2018, were considered for approval.

Commissioner Liotta presented the minutes of the May 18, Meeting for approval.

Motion: Commissioner Tilly made a motion to approve the minutes of the April 20, 2018 Meeting.

Second: Commissioner Russell

Those Voting Aye: Commissioner Liotta, Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: MINUTES APPROVED

B. Appeal Hearings before the Commission En Banc from Orders Issued by the Commission's Administrative Law Judges

Cynthia Harwell v. City of Del City Own Risk #11388) File # CM2015-01284J

Claimant an appeal from the order issued by Administrative Law Judge Egan. Jeffrey M. Cooper represented the Claimant. Heather A. Lehman Fagan represented the Respondent.

Motion:

After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to take this case under advisement.

Second: Commissioner Russell

Those Voting Aye: Commissioner Liotta and Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: TAKEN UNDER ADVISEMENT

Meryl Lynn Edwards v. Texas County & CompSource Mutual Ins. Co. (FKA CompSource Oklahoma) File #CM2016-05900K

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Emily. Biscone represented the Claimant and Barry Zlotogura represented the Respondent.

Motion:

After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to affirm the Administrative Law Judge's order and issue an order authorizing the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Russell

Those Voting Aye: Commissioner Liotta and Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Bryan Glenn Weatherly v. Federal Express Corp. (Own Risk #16593)
File #CM2017-08088L

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. Alexander Weaver represented the Claimant John Blodgett represented the Respondent.

Motion: After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Russell moved to affirm the Administrative Law Judge's order and instruct Appellate Counsel or other staff member to draft a proposed order with findings of fact and conclusions of law.

Second: Commissioner Tilly

Those Voting Aye: Commissioner Liotta, Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Robert J. Hudson, Jr. v. Probuild Holdings Inc. & Liberty Mutual Insurance Co., File #CM2015-08091Y

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Darrel Paul represented the Claimant and Christopher Crouch the Respondent.

Motion:

After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to take this case under advisement.

Second: Commissioner Russell

Those Voting Aye: Commissioner Liotta and Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: TAKEN UNDER ADVISEMENT

Shari M. Tyson v. Gore Health Services LLC & Metropolitan Health Care SI Group (Group #75220) File #CM2017-05193H

Respondent filed an appeal from the order issued by Administrative Law Judge Lawyer. Bret Unterschuetz represented the Claimant and Jacob Jean represented the Respondent.

Motion:

After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to affirm the Administrative Law Judge's order and issue an order authorizing the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Russell

Those Voting Aye: Commissioner Liotta and Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Thomas E. Tanner v. American Airlines & New Hampshire Insurance Co., File #CM2017-05203R

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Bryce A. Hill represented the Claimant and Dale Kimsey represented the Respondent.

Motion:

After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Russell moved to take preliminary action to reverse the Administrative Law Judge's order and instruct Appellate Counsel or other staff member to draft a proposed order to be considered at a future meeting.

Second: Commissioner Tilly

Those Voting Aye: Commissioner Liotta and Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER REVERSED

C. Commission Consideration of Adoption of Final Order in the Following Case:

1. Ronnie Pressler v. Lowes Home Centers LLC (OWN RISK #18931) File #CM2016-06814H

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Eric W. Quandt represented the Claimant and Jordan Ensley represented the Respondent.

This case came on for Oral Argument on May 18, 2018. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took the case under advisement. A proposed order has been distributed to the Commissioners for consideration of adoption.

Motion: Commissioner Russell moved to continue this matter to a later meeting date.

Second: Commissioner Tilly

Those Voting Aye: Commissioner Liotta and Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: CONTINUED

D. Announcements

Commission's next regular business meeting is Thursday, July 19, 2018. Commission's next regular meeting regarding Appeals is scheduled for Friday, July 20, 2018.

ADJOURNMENT

Motion: Commissioner Tilly moved to adjourn the meeting at approximately 2:16 p.m.

Second: Commissioner Russell

Those Voting Aye: Commissioner Liotta and Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: THE MEETING WAS ADJOURNED.